

**Arizona Department of Juvenile Corrections
Operating Procedures Manual
Secure Facilities**

PROCEDURE NO. 4061.03	REF. POLICY NO. 4061	EFFECTIVE: 05/21/04 PRIOR ISSUE: 09/11/03
TITLE: Separation Program: Extended Confinement		AUTHORIZED: James A. Hillyard Assistant Director, Safe Schools Thomas W. Gronski, Program Administrator, Youth Management Systems

[Forms](#)

I. Purpose:

Arizona Department of Juvenile Corrections (ADJC) staff may request continued confinement of a juvenile in the Separation Program, beyond an initial 24 hours, if the juvenile's behavior continues to present a serious and continuing escape risk, to protect the juvenile or others from imminent risk of substantial injury, to prevent serious destruction of property, to prevent serious disruption of the facility, and/or upon a juvenile's self-request.

II. Rules.

1. **Release from Separation:** The **MENTAL HEALTH TREATMENT COORDINATOR** shall coordinate the release of a juvenile from Separation status when the juvenile's behavior no longer meets the criteria for admission to Separation. **If the juvenile exhibits stable, cooperative behavior, the juvenile shall be returned to the Housing Unit to complete the remainder of the Relapse Avoidance Plan (refer to Procedure [4061.04](#) - Separation Program Releases):**
 - a. A juvenile may be released from Separation prior to conducting the 24-hour Due Process Hearing or prior to any extension request, if appropriate;
 - b. Only a **QUALIFIED MENTAL HEALTH PROFESSIONAL** may authorize the release of a juvenile from Separation if admitted as Danger to Self and placed on Suicide Risk Level 1 or 2.
2. **24-hour Due Process Hearing Request and Notifications: SEPARATION PROGRAM STAFF** shall not keep a juvenile on Separation status without providing a due process hearing within 24 hours of admission. A formal hearing provides due process to extend a juvenile's confinement in Separation for an additional 24 hours beyond the initial 24 hour confinement at admission:
 - a. The **JUVENILE'S CASEWORKER OR HOUSING UNIT STAFF** shall request a 24-hour due process hearing for extended confinement in Separation:
 - i. Hearings shall be conducted within 24 hours of the juvenile's admission to Separation;
 - ii. Hearings shall be conducted during regular business hours at the secure facility unless unusual circumstances require a later time. Business hours are listed as 8 a.m. to 6 p.m. daily including weekends and holidays;
 - iii. Hearing requests shall be submitted at least three hours prior to the scheduled hearing time to allow for notifications and preparations for the hearing;
 - b. **SEPARATION PROGRAM STAFF** shall complete Part 1 of Form 4061.03A, "24-Hour Due Process Hearing Report." The following information shall be included in the request for a Due Process Hearing:
 - i. Reason for original admission to Separation Program;
 - ii. The behavior, including verbal comments of the juvenile, that demonstrates the juvenile continues to meet Separation admission criteria;
 - iii. Reason for the need for extended confinement;

- iv. Signature of the requesting staff;
 - c. **SEPARATION STAFF** shall provide the Hearing Form (4061.03A) to the assigned Hearing Officer and notify other staff as appropriate:
 - i. Following the request to conduct a 24-hour Due Process Hearing, **SEPARATION STAFF** shall notify the Hearing Officer and other staff, as needed, of the hearing date and time within 30 minutes;
 - ii. The **ASSIGNED HEARING OFFICER WITH AUTHORIZATION FROM THE MENTAL HEALTH TREATMENT COORDINATOR (MHTC)** may assess exceptions to the notification time frame and grant the exception upon good cause;
 - iii. **REFERRING HOUSING UNIT STAFF** shall gather written statements from witnesses, as needed, and provide this documentation to Separation staff prior to the hearing;
 - iv. **SEPARATION STAFF** shall ensure the Hearing Officer and the juvenile's advocate receive the referring Incident Report, any additional documentation relating to the referral, and any documentation specific to the juvenile's current admission to Separation.
- 3. **Assigning Hearing Officers and Advocates: DUE PROCESS HEARING OFFICERS OR IMPARTIAL HEARING OFFICERS**, as designated within the secure facility, shall conduct hearings. An **ADVOCATE** shall represent the juvenile or be present during the hearing.
 - a. **THE SUPERINTENDENT AND THE DUE PROCESS PROCEEDINGS ADMINISTRATOR** shall designate a list of Primary Hearing officers which shall include Unit Managers and YPOIII Clinicians. The **SUPERINTENDENT** may also, based of staffing resources at each facility, include other Supervisors and Managers, to be used as alternative hearing officers if the primary staff assigned for the day is unavailable or can not be impartial. The **SUPERINTENDENT** shall ensure that ALL staff used as primary and alternative Hearing Officers are trained as Hearing Officers.
 - i. **HEARING OFFICERS** shall rotate hearing assignments on a regular basis;
 - ii. An **ALTERNATE HEARING OFFICER** shall be designated for scheduled days off or in the event the assigned Hearing Officer is unavailable;
 - iii. The **SCHEDULED HEARING OFFICER** shall consider hearing a Separation matter as a priority. The **HEARING OFFICER** may not decline without approval from **THE SUPERINTENDENT OR THE MENTAL HEALTH TREATMENT COORDINATOR (MHTC)**;
 - iv. Under no circumstances shall a **HEARING OFFICER** preside at a hearing that involves juveniles or staff under their supervision, or in cases in which they have been directly involved;
 - v. **THE MHTC, OR OTHER TRAINED DESIGNEE**, may act as the Hearing Officer only as an alternate to prevent violation of the 24-hour due process deadline;
 - vi. All **HEARING OFFICERS** shall attend annual training and obtain certification through the Due Process Proceedings Office.
 - b. The **JUVENILE MAY SELECT ANY STAFF MEMBER TO SERVE AS AN ADVOCATE**. Additionally, **SEPARATION PROGRAM STAFF** shall maintain a list of volunteer advocates:
 - i. All **ADVOCATES** shall attend training through the Youth Rights Ombudsman or Due Process Proceedings Administrator;
 - ii. If the juvenile refuses to select or does not select an advocate, then the **SEPARATION STAFF** shall appoint an advocate from the list to represent the juvenile or to be present to advise the juvenile if the juvenile chooses to represent him/herself.
- 4. **Notification to Juvenile:** The **SEPARATION PROGRAM STAFF** shall notify the juvenile as soon as possible, but no more than 30 minutes following the request to conduct a 24-hour

Due Process Hearing:

- a. The notification shall be both verbally and in writing (Form 4061.03B);
 - b. The notification shall specify that a hearing has been requested, document the reasons for admission to Separation, and what will be considered in the decision to extend confinement;
 - c. In addition, **SEPARATION PROGRAM STAFF** shall inform the juvenile of the rights afforded at the 24-hour Due Process Hearing:
 - i. To speak on his or her own behalf, or to remain silent;
 - ii. To request assistance from an advocate to help present information at the hearing;
 - iii. To present evidence;
 - iv. To question witnesses;
 - v. To have an advocate or Caseworker contact the parent or guardian;
 - vi. To have an advocate present;
 - vii. To appeal the Hearing Officer decision.
5. **Hearing Process: PRESENTING STAFF** shall have the burden of establishing by a preponderance of the evidence both that the juvenile met the admission criteria at the time of admission to Separation and that the juvenile continues to meet admission criteria due to continuing to engage in behavior that meets admission criteria:
- a. To begin the hearing, the **HEARING OFFICER** shall advise the juvenile of the Due Process Hearing procedures, the reason for the hearing, and specific reason for admission;
 - b. The **HEARING OFFICER** shall determine whether the juvenile met the criteria for admission to Separation and shall document the results on Part 2 of Form 4061.03A, "24-Hour Due Process Hearing Report":
 - i. If the juvenile having met the criteria, then the **HEARING OFFICER** shall proceed to determine whether the juvenile continues to meet criteria;
 - ii. If the juvenile denies the criteria:
 - (1) The **PRESENTING STAFF** may present any evidence to establish that the juvenile met the admission criteria, subject to cross-questioning by the juvenile;
 - (2) The **JUVENILE** may present any evidence in support of the position that admission criteria were not met, subject to cross-questioning by the presenting staff;
 - (3) At conclusion of the evidence, **THE HEARING OFFICER** shall announce a decision.
 - c. If it is determined that the juvenile did not meet the admission criteria, **THE SEPARATION STAFF** shall notify the appropriate Housing Unit staff and coordinate the juvenile's return to the regular assigned unit within 30 minutes;
 - d. If it is determined that the juvenile met the admission criteria, then the **HEARING OFFICER** shall determine whether the juvenile continues to meet criteria and document the results on Part 3 of Form 4061.03A, "24-Hour Due Process Hearing Report.". If the **HEARING OFFICER** determines that the juvenile has exhibited stable, cooperative behavior while in Separation, the juvenile shall be returned to the Housing Unit to complete the remainder of the Relapse Avoidance Plan (refer to Procedure [4061.04](#) - Separation Program Releases):
 - i. The **PRESENTING STAFF** may present any evidence to establish that the juvenile continues to meet the admission criteria, subject to cross-questioning by the juvenile;
 - ii. The **JUVENILE** may present any evidence in support of the position that the juvenile does not continue to satisfy admission criteria, subject to cross-questioning by the presenting staff.
 - e. The **HEARING OFFICER** shall make a decision regarding the juvenile's continued placement in the Separation Program based solely on the evidence presented at the hearing:
 - i. The **HEARING OFFICER** may deny extended confinement and return the juvenile to his/her assigned Housing Unit. The **SEPARATION STAFF** shall notify the appropriate Housing Unit staff and coordinate the juvenile's return to the regular

- assigned unit within 30 minutes;
 - ii. The **HEARING OFFICER** may authorize confinement in the Separation Program for an additional 24 hours (a total of 48 hours from the time of admission);
 - iii. The **HEARING OFFICER** may amend the Relapse Avoidance Plan if s/he determines that any of the terms are unclear or unreasonable;
 - f. The **HEARING OFFICER** shall inform the juvenile of the findings, of the reasons for the decision, and of the right to appeal a decision to extend confinement. The **HEARING OFFICER** shall document the results on Part 4 of Form 4061.03A, "24-Hour Due Process Hearing Report.". The **HEARING OFFICER** shall:
 - i. Place one copy of the Hearing Report (Form 4061.03A) in the juvenile's Separation file;
 - ii. Give a copy of the Hearing Report to the juvenile upon request;
 - iii. Enter the hearing results into YouthBase.
6. **Due Process Hearing Appeals:** The **JUVENILE** has the right to appeal a decision to extend confinement in Separation. If an appeal is made, the **HEARING OFFICER** shall immediately notify the Due Process Proceedings Administrator and provide a copy of the Hearing Report and the Youth Appeal (form 4061.03C) as requested. In the absence of the Due Process Proceedings Administrator, the **SUPERINTENDENT, ASSISTANT SUPERINTENDENT, OR ON-DUTY ADMINISTRATOR** may review the appeal request. A **YOUTH RIGHTS SPECIALIST OR OTHER STAFF ADVOCATE** of the juvenile's choosing shall confer with the juvenile and draft the appeal:
- a. Within six hours of the request, the **ADMINISTRATOR** shall review the documents for appropriate action;
 - b. The **ADMINISTRATOR** shall provide written notification to the juvenile and Separation staff of the decision to extend or not extend the juvenile's confinement in Separation;
 - c. If the **ADMINISTRATOR** denies the extended placement, the juvenile shall be returned to his/her Housing Unit;
 - d. The **ADMINISTRATOR** shall enter appeal results into YouthBase.
7. **Administrative Extension Requests:** The following steps shall be taken if there is reason to believe that a juvenile's confinement in the Separation Program should be extended an additional 24 hours beyond the extension granted as part of the 24-hour Due Process Hearing. An **APPROVING AUTHORITY**, as listed below, may authorize extension of a juvenile's confinement in Separation in increments of 24 hours only. The **APPROVING AUTHORITY** shall review a request that documents that the juvenile's behavior continues to meet admission criteria. The **APPROVING AUTHORITY** may then either approve or deny the request for extended confinement in Separation:
- a. **HOUSING UNIT STAFF OR SEPARATION STAFF** may generate requests for extended confinement in Separation by submitting a completed request for extended confinement in Separation to the appropriate approving authority:
 - i. **REQUESTING STAFF** shall use Form 4061.03D - Separation Program: Extended Placement Request available within YouthBase;
 - ii. Requests for extensions shall be submitted at least 3 hours prior to the 24-hour deadline, calculated from the completion time of the Due Process Hearing;
 - iii. The extension request shall document the juvenile's need for Separation due to unstable or uncooperative behavior and continuing to meet Separation criteria;
 - iv. The extension request shall be discussed with the juvenile;
 - v. The **MHTC, OR DESIGNEE**, may review and revise the extension request for clarity and completeness;
 - vi. The **SUPERINTENDENT** may review extensions to be submitted to the Assistant Director or Director for approval;
 - b. The **APPROVING AUTHORITY**, as listed below, shall review a juvenile for extended confinement in Separation, in 24 hour increments, per the following time frames:

- i. Beyond 48 hours up to a total confinement of 120 hours (five days) - **FACILITY SUPERINTENDENT;**
 - ii. Beyond 120 hours (five days) up to a total confinement of 240 hours (ten days) - **ASSISTANT DIRECTOR FOR SAFE SCHOOLS;**
 - iii. Beyond 240 hours (ten days) - **ADJC DIRECTOR or ADJC DEPUTY DIRECTOR;**
 - c. The **APPROVING AUTHORITY** shall approve or disapprove the request for extension and send the result to Separation;
 - d. If disapproved, **SEPARATION STAFF** shall return the juvenile to his/her regular housing unit per Procedure 4061.04;
 - e. **SEPARATION STAFF** shall maintain a copy of the extension and the results in the juvenile's Separation Program file;
 - f. If necessary, **HOUSING UNIT OR SEPARATION STAFF** shall repeat Step A for each 24-hour extension request until the juvenile's release from the Separation Program.
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